

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

V.

TEXAS INSTRUMENTS, INC.,

Defendant.

**Consolidated Civil Action No. 6:12-
CV-499-LED**

JURY TRIAL DEMANDED

**PLAINTIFF’S REPLY IN RESPONSE TO DEFENDANT AIRBORNE BIOMETRICS
GROUP’S FIRST AMENDED COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the First Amended Counterclaims of Defendant Airborne Biometrics Group, Inc. (“Defendant” or “Airborne”) (Dkt. No. 1467) as follows. All allegations not expressly admitted or responded to by Blue Spike, LLC are denied.

COUNTERCLAIMS

92. Blue Spike, LLC denies the allegations of Paragraph 92.
93. Blue Spike, LLC admits the allegations of Paragraph 93.
94. Blue Spike, LLC admits the allegations of Paragraph 94.
95. Blue Spike, LLC is without knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 95 and therefore denies them.
96. Blue Spike, LLC admits the allegations of Paragraph 96.
97. Blue Spike, LLC admits the allegations of Paragraph 97.
98. Blue Spike, LLC admits the allegations of Paragraph 98.

FIRST COUNTERCLAIM
(Declaratory Judgment of Non-Infringement of the '175 Patent)

99. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 93-98.

100. Blue Spike, LLC denies the allegations of Paragraph 100.

101. Blue Spike, LLC denies the allegations of Paragraph 101.

SECOND COUNTERCLAIM
(Declaratory Judgment of Invalidity of the '175 Patent)

102. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 93-102.

103. Blue Spike, LLC denies the allegations of Paragraph 103.

THIRD COUNTERCLAIM
(Declaratory Judgment of Non-Infringement of the '494 Patent)

104. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 93-103.

105. Blue Spike, LLC denies the allegations of Paragraph 105.

106. Blue Spike, LLC denies the allegations of Paragraph 106.

FOURTH COUNTERCLAIM
(Declaratory Judgment of Invalidity of the '494 Patent)

107. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 93-106.

108. Blue Spike, LLC denies the allegations of Paragraph 108.

FIFTH COUNTERCLAIM
(Declaratory Judgment of Non-Infringement of the '700 Patent)

109. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 93-108.

110. Blue Spike, LLC denies the allegations of Paragraph 110.

111. Blue Spike, LLC denies the allegations of Paragraph 111.

SIXTH COUNTERCLAIM
(Declaratory Judgment of Invalidity of the ‘700 Patent)

112. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 93-111.

113. Blue Spike, LLC denies the allegations of Paragraph 113.

SEVENTH COUNTERCLAIM
(Declaratory Judgment of Non-Infringement of the ‘472 Patent)

114. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 93-113.

115. Blue Spike, LLC denies the allegations of Paragraph 115.

116. Blue Spike, LLC denies the allegations of Paragraph 116.

EIGHTH COUNTERCLAIM
(Declaratory Judgment of Invalidity of the ‘472 Patent)

117. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 93-116.

118. Blue Spike, LLC denies the allegations of Paragraph 118.

REQUEST FOR RELIEF

Blue Spike, LLC denies that Defendant is entitled to any of the relief it requests.

PLAINTIFF’S PRAYER FOR RELIEF

In addition to the relief requested in Plaintiff’s First Amended Complaint, Blue Spike, LLC respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Blue Spike, LLC its costs and attorneys’ fees incurred in defending against these Counterclaims; and

(c) Any and all further relief for the Blue Spike, LLC as the Court may deem just and proper.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser
Randall T. Garteiser